

REMARKS

Claims 1-7, 9-33 and 35-52 are pending in the present application. Claims 23-26 and 49-52 are withdrawn from consideration.

Claim Amendments

By this amendment, claim 8 is cancelled and the limitations thereof inserted into claim 1. Claim 34 is cancelled and the limitations thereof inserted into claim 27. No new matter is added by this amendment.

Restriction Requirement

By way of confirmation, the Examiner has required election in the present application between:

Group I, claims 1-22 and 27-48, drawn to an ink composition;
and

Group II, claims 23-26 and 49-52, drawn to an ink head.

Applicants confirm their prior election of the claims of Group I - i.e., claims 1-22 and 27-48.

Information Disclosure Statement

Applicants note by way of confirmation that an Information Disclosure Statement was filed on January 5, 2005 (subsequent to the outstanding Official Action), and ask that the Examiner kindly acknowledge receipt and consideration of same.

Double Patenting Rejection

Claims 1-22 and 27-48 are provisionally rejected on the ground of judicially-created obviousness-type double patenting over claims 1-21 of co-pending commonly-assigned application No. 10/665,088.

In response, applicants believe that the provisional double patenting rejection is without basis in view of the above amendment of claims 1 and 27, as well as the amendments of December 23, 2004 made to the claims of application No. 10/665,088.

The rejection should accordingly be withdrawn.

Rejection under 35 USC 102(b)

Claims 1-4, 5-7, 9-20, 27-29, 31-33, and 35-46 stand rejected under 35 USC 102(b) as being anticipated by Kato U.S. Patent No. 6,440,203. This rejection respectfully is traversed to the extent deemed to apply to the claims as amended.

In response, claims 1 and 27 are amended to recite the limitations of claims 8 and 34, respectively. As claims 8 and 34

are not included within the listing of the rejected claims, and as the limitations of these claims now reside in independent claims 1 and 27, the rejection is now believed to be without basis and should be withdrawn.

Rejection under 35 USC 103(a) over Yatake

Claims 1-7, 13, 14, 19, 20, 27-33, 38-40, 45 and 46 stand rejected under 35 USC 103(a) as being unpatentable over Yatake U.S. Patent No. 5,746,818. This rejection respectfully is traversed to the extent deemed to apply to the claims as amended.

In response, claims 1 and 27 are amended to recite the limitations of claims 8 and 34, respectively. As claims 8 and 34 are not included within the listing of the rejected claims, and as the limitations of these claims now reside in independent claims 1 and 27, the rejection is now believed to be without basis and should be withdrawn.

Rejection under 35 USC 103(a) over Hayashi

Claims 1-7, 13, 14, 19, 20, 27-33, 38-40, 45 and 46 stand rejected under 35 USC 103(a) as being unpatentable over Hayashi U.S. Patent No. 6,500,248. This rejection respectfully is traversed to the extent deemed to apply to the claims as amended.

In response, claims 1 and 27 are amended to recite the limitations of claims 8 and 34, respectively. As claims 8 and 34 are not included within the listing of the rejected claims, and as the limitations of these claims now reside in independent claims 1 and 27, the rejection is now believed to be without basis and should be withdrawn.

In view of the above, it is believed that the application is now in condition for allowance and an early indication of same earnestly is solicited.

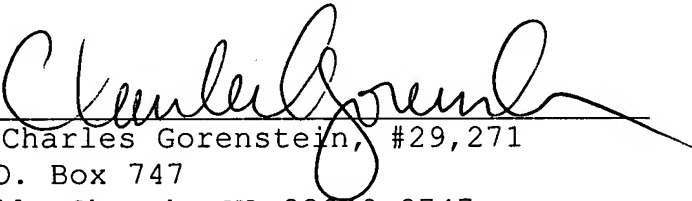
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact James W. Hellwege (Reg. No. 28,808) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


Appl. No. 10/713,226

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Charles Gorenstein, #29,271
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000


CG/JWH/sh
1247-0525P